

STUART RABNER
ATTORNEY GENERAL OF NEW JERSEY
Division of Law
25 Market Street
PO Box 093
Trenton, New Jersey 08625-093

FILED

By: Kay R. Ehrenkrantz
Deputy Attorney General
(609) 984-5065

AUGUST 30, 2007

**NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS**

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
STATE BOARD OF MEDICAL EXAMINERS

IN THE MATTER OF	:	
OF THE LICENSE OF	:	Administrative Action
	:	
Raphael Osheroff, M.D.	:	
LICENSE NO. MA 61564	:	CONSENT ORDER
	:	
TO PRACTICE MEDICINE AND SURGERY	:	
IN THE STATE OF NEW JERSEY	:	

This matter was opened to the State Board of Medical Examiners ("Board") based on allegations of improper supervision of billing practices by Respondent, Raphael Osheroff, M.D. ("Respondent") in a multi-disciplinary practice, doing business as Newton Medical Associates, P.C. ("NMA"). In July 2004, Respondent appeared before a Committee of the Board and testified about his responsibilities as the medical director of NMA and his role pertaining to the bills issued under his name with a signature stamp and in the name of the practice. Respondent testified that he had not asserted supervisory responsibility for the medical billing practices, although he was required to do so pursuant to Board regulations

CERTIFIED TRUE COPY

N.J.A.C. 13:35-6.16(b) and (d). On the facts, the Board finds that Respondent violated N.J.S.A. 45:1-21(h), based on his violations of N.J.A.C. 13:35-6.16.

In order to avoid further proceedings in this case, the Respondent Osheroff consents and agrees to each and every term of this Consent Order. The Board finding the within disposition adequately protective of the public health, safety and welfare, and other good cause having been shown,

IT IS, therefore, on this 30TH day of AUGUST , 2007,

ORDERED AND AGREED THAT:

1. Respondent, Raphael Osheroff, M.D., is hereby reprimanded for his failure to adequately supervise the medical billing practices of Newton Medical Associates, P.C.

2. Respondent shall successfully complete a Board-approved course in billing practices, and provide proof of such, within six months of the date this order is filed.

2. Respondent is hereby assessed costs of investigation in the amount of \$8,000.00.

3. Respondent shall make complete payment of the costs within twelve months of the filing of this Consent Order by way of certified check or bank check made payable to the State of New Jersey. Payment shall be sent via regular mail to William Roeder, Executive Director, Board of Medical Examiners, P.O. Box 183, Trenton, NJ 08625-0183. A Certificate of Debt shall be filed in

the amount of \$8,000.00.

NEW JERSEY STATE BOARD OF
MEDICAL EXAMINERS

By: 

Mario Criscito, M.D.
Board President

I have read and understood the
within Order and agree to be
bound by its terms. Consent is
hereby given to the Board to
enter this Order.



Raphael Osheroff, M.D.

I hereby consent to the form and
entry of this Order



Andrew Seewald, Esq.
Attorney for Respondent

**NOTICE OF REPORTING PRACTICES OF BOARD
REGARDING DISCIPLINARY ACTIONS**

Pursuant to N.J.S.A. 52:14B-3(3), all orders of the New Jersey State Board of Medical Examiners are available for public inspection. Should any inquiry be made concerning the status of a licensee, the inquirer will be informed of the existence of the order and a copy will be provided if requested. All evidentiary hearings, proceedings on motions or other applications which are conducted as public hearings and the record, including the transcript and documents marked in evidence, are available for public inspection, upon request.

Pursuant to 45 CFR Subtitle A 60.8, the Board is obligated to report to the National Practitioners Data Bank any action relating to a physician which is based on reasons relating to professional competence or professional conduct:

- (1) Which revokes or suspends (or otherwise restricts) a license,
- (2) Which censures, reprimands or places on probation,
- (3) Under which a license is surrendered.

Pursuant to 45 CFR Section 61.7, the Board is obligated to report to the Healthcare Integrity and Protection (HIP) Data Bank, any formal or official actions, such as revocation or suspension of a license (and the length of any such suspension), reprimand, censure or probation or any other loss of license or the right to apply for, or renew, a license of the provider, supplier, or practitioner, whether by operation of law, voluntary surrender, non-renewability, or otherwise, or any other negative action or finding by such Federal or State agency that is publicly available information.

~~Pursuant to N.J.S.A. 45:9-19.13, if the Board refuses to issue, suspends, revokes or otherwise places conditions on a license or permit, it is obligated to notify each licensed health care facility and health maintenance organization with which a licensee is affiliated and every other board licensee in this state with whom he or she is directly associated in private medical practice.~~

In accordance with an agreement with the Federation of State Medical Boards of the United States, a list of all disciplinary orders are provided to that organization on a monthly basis.

Within the month following entry of an order, a summary of the order will appear on the public agenda for the next monthly Board meeting and is forwarded to those members of the public requesting a copy. In addition, the same summary will appear in the minutes of that Board meeting, which are also made available to those requesting a copy.

Within the month following entry of an order, a summary of the order will appear in a Monthly Disciplinary Action Listing which is made available to those members of the public requesting a copy.

On a periodic basis the Board disseminates to its licensees a newsletter which includes a brief description of all of the orders entered by the Board.

From time to time, the Press Office of the Division of Consumer Affairs may issue releases including the summaries of the content of public orders.

Nothing herein is intended in any way to limit the Board, the Division or the Attorney General from disclosing any public document.